

Notice of Allowability

Application No.

09/757,904

Examiner

Kristie Shingles

Applicant(s)

RYAN ET AL.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/26/2006.
2. ☒ The allowed claim(s) is/are 1,3-5,9-15,23,25-28 and 31-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

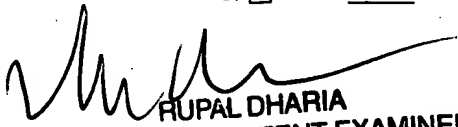
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060915.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


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SUPERVISORY PATENT EXAMINER

kds/20060915

DETAILED ACTION

Claims 1, 3-5, 9-15, 23, 25-28 and 31-33 are allowed.

RESPONSE TO AMENDMENT

1. This action is responsive to the Amendment After Non-Final Office Action received on 6/26/2006.
2. Claims 1, 3, 12, 23 and 28 have been amended.
3. Claims 2, 6-8, 16-22, 24 and 29-30 have been cancelled.
4. Claims 31-33 are newly added.

EXAMINER'S AMENDMENT

5. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Atty. Gregory Carr on 9/14/2006. The application has, therefore, been amended as follows:

- **Per Claim 1:** in line 7, replace "the optional field" with—an optional field—.
- **Per Claim 12:** in line 6, replace "the optional field" with—an optional field—.
- **Per Claim 23:** in lines 7-8, replace "the optional field" with—an optional field—.
- **Per Claim 28:** in line 6, replace "the optional field" with—an optional field—.

- **Per Claim 3:** the proper claim identifier should be (Currently Amended) instead of (Previously Presented), wherein "Claim 2" is removed from line 1 and replaced with—Claim 1—.

REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance:

The prior art or record fails to teach neither singly nor in combination, the claimed limitation of "the AID [application identifier] identifying the format of the CAI, wherein the AID is located in an optional field of Network Layer 3" as stated in independent claims 1, 12, 23 and 28 and supported in Applicant's specification on page 9 line 26 to page 10 line 28. The prior art of record: *Patel* (USPN 6,131,032), *Comer et al* (USPN 6,823,185), *Mukherjee et al* (USPN 6,449,474) and *Suprunov* (USPN 6,405,030) teach communication-interception and reporting to a Law Enforcement Agency, wherein the type of communication is identified in the message. As recited by Applicant on page 9 of the Remarks filed on 6/26/2006, "...the AID in the optional field provides a distinct advantage over the prior art...by placing the AID in the optional field, the AID can be assigned a greater range of values without the need of approval from a standards organization. Therefore, none of the prior art of record teach or suggest the above limitation in addition to the claimed limitations of extracting in accordance with the AID the CAI from the at least one packet and reporting; determining whether the extracted CAI is a new instance of the CAI; and reporting a first message to a Law Enforcement Agency in response to a determination that the extracted CAI is the new instance of the CAI. These limitations, in conjunction with other limitations in the independent claims, are not specifically disclosed or remotely suggested in the prior art of record. A review of Claims 1, 3-5, 9-15, 23, 25-28 and 31-33, in view of the

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Examiner's remarks above, indicates that Claims 1, 3-5, 9-15, 23, 25-28 and 31-33 are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Mukherjee et al (6,449,474), Suprunov (6,405,030), Jacquet et al (6,697,379), Bondy et al (7,006,508), McKibben et al (2001/0052081), Lumme et al (2002/0049913).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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